

Industry: **Big Ox Energy Siouxland, LLC**
Address: **1616 D Avenue**
South Sioux City, NE 68776
IU Permit No.: **2018-31-I**

NOTICE OF VIOLATION
City of Sioux City, Iowa
Industrial Pretreatment Program
January 11, 2019

LEGAL AUTHORITY

The following findings are issued and notice provided pursuant to the authority vested in the City of Sioux City, Iowa Industrial Pretreatment Program, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under 13.07.270 of the City's Sewers and Sewer Disposal Ordinance.

FINDINGS

1. The City of Sioux City, Iowa is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Sioux City, Iowa administers a pretreatment program.
3. Under this pretreatment program, **Big Ox Energy Siouxland** was issued a discharge permit.
4. On June 29, 2018, the City of Sioux City issued a Compliance Order to **Big Ox Energy Siouxland** which required pollutant loadings (**TSS**) to be less than **48,509 lbs./day** as a maximum daily limitation.
5. On November 25, 2018, **Reissued Permit No. 2018-31-I** went into effect. The permit incorporates the above daily maximum loading limit of **48,509 lbs. TSS** as well as a **monthly average not to exceed 20,000 lbs. TSS**.
6. On January 1, 2019, **Big Ox Energy Siouxland** discharged an exceedance of the maximum daily limitation of **48,509 lbs. TSS** per Permit No. 2018-31-I. A fine of **\$1,000 per day per violation** is hereby issued.
 - January 1, 2019- 60,447 lbs. TSS
7. As noted above, an average monthly limit of **20,000 lbs. TSS** was effective as of 11-25-2018. In December 2018, BOE discharged an average of **29,406 lbs./day TSS** violating the Monthly Average limit. This average exceeded the by 1.4703 times the permitted limit. Per City ERP for a 6-month period, if 33% or more of the sample results for a parameter exceed daily, 4-day average, or monthly average by more than the technical review criteria (TRC) (1.4x limit for conventional pollutants) BOE will be found to be in SNC.
 - For first offense of Monthly Average TSS limit exceedance, NOV is issued. Continued non-compliance with Monthly Average TSS limit will result in fines escalating up to \$1,000 per violation. The City may increase to the maximum penalty immediately if the violation is deemed serious enough.
8. Each NOV requires a written response within 10 days of receipt stating, at a minimum, an explanation for the violation(s) and a plan to mitigate similar violation(s) in the future. Response for NOV 12-26-2018 was due by 1-7-2018 The response is now 4 days past due. These responses are necessary to ensure that NOV's are regarded seriously and that actions have been taken to address the non-compliance. Late reports will be fully enforced from the date that it is due until the date that it is received. Reports more than 30 days late are SNC.
 - Late report NOV 4 days at \$1,000 per day= \$4,000
9. As outlined above, the total fine for the violations documented above amounts to **\$5,000**. This is in addition to any fines or charges previously issued. Fines will be assessed on the next sewer use surcharge invoice and are non-negotiable.

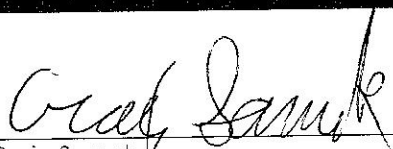
NOTICE AND REQUIRED ACTIONS

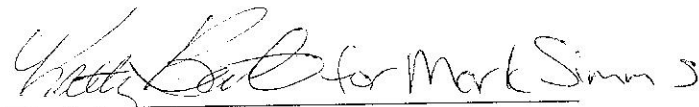
THEREFORE, BASED ON THE ABOVE FINDINGS, BIG OX ENERGY SIOUXLAND IS HEREBY NOTIFIED THAT:

It is an on-going violation of its discharge permit and the Title 13 of the Sioux City Municipal Code "Sewers" of Sioux City, Iowa and the following specific actions are required. Note that these items are contingent on the consent of the regulatory authorities for the Sioux City, Iowa POTW.

1. Within 10 Days of receiving this letter, **Big Ox Energy Siouxland** must respond in writing with the following information:
 - An explanation for the violation(s)
 - A plan to mitigate this type of violation(s) in the future
2. All requirements in previously-issued Orders are fully in-effect including fines and notification requirements.

Signatures


Craig Samek
Industrial Pretreatment Coordinator
City of Sioux City, Iowa

 for Mark Simms
Mark Simms
Utilities Director
City of Sioux City, Iowa

January 11, 2019

Date of Issuance of NOV

red by Michelle Morgan Mittle J 1-11-19
1115

Copy:

IDNR

NDEQ

City of South Sioux City